

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

| | | |
|---------------------------------------------|---|--------------------------------|
| DEMETRIUS ARMOUR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No.3:14 -CV-00101-NJR-DGW |
| |) | |
| J. WITOFF and UNKNOWN PARTY, |) | |
| <i>Orange Crush Tactical Team Officers,</i> |) | |
| <i>Special Security Team,</i> |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

This matter is before the Court for case management purposes. On March 10, 2014, the Court completed its threshold review of Plaintiff Demetrius Armour's civil rights complaint (Doc. 9). The Court advised Plaintiff that service would not be made on the unknown defendants, "Defendants Unknown SST Members," "until such time as Plaintiff has identified them by name in a properly filed amended complaint" (Doc. 9, p. 14). On July 29, 2014, the Court entered a Scheduling and Discovery Order giving Plaintiff until November 28, 2014, to identify the unknown defendants or to identify steps that can be taken to identify them (Doc. 27, p. 3). The Court warned Plaintiff that his failure to comply with that directive "will result in the dismissal of the John Does" (*Id.*).

As of the date of this Order, Plaintiff has neither identified, nor taken steps to identify, the unknown defendants, despite being appointed an attorney. The Court

concludes that Plaintiff has failed to properly prosecute his case as to these unknown defendants. Accordingly, and pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the Court hereby **DISMISSES with prejudice** Plaintiff's claim against the unknown defendants in this action. *See Lucien v. Breweur*, 9 F.3d 26, 28 (7th Cir. 1993) (dismissal is a "feeble sanction" if it is without prejudice).

IT IS SO ORDERED.

DATED: May 6, 2016

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. A faint, circular official seal is visible in the background behind the signature.

NANCY J. ROSENSTENGEL
United States District Judge